

# FEDERAL DEFENDANTS' EXHIBIT C

Wagner v. U.S. Dep't of Energy  
Civil No. 08-00136-HG-KSC (D. Haw.)

FILED

JUN 22 1999

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PJW

WALTER L. WAGNER,

No. C99-02226 MMC

Plaintiff,

v.

ORDER DENYING PLAINTIFF'S MOTION  
TO RECONSIDER ISSUANCE OF A  
TEMPORARY RESTRAINING ORDER

U.S. DEPT OF ENERGY,

Defendant.

The Court is in receipt of plaintiff's motion, filed June 17, 1999, to reconsider issuance of a temporary restraining order in the above-captioned action. Plaintiff argues that the motion is justified because "the facts and circumstances of the case have sufficiently changed" to now justify issuance of a temporary restraining order.

There are at least two problems with plaintiff's motion. First, Local Rule 7-9(a) requires a party to obtain leave of Court to file a motion for reconsideration. Plaintiff has not obtained such leave of Court. Second, Local Rule 7-9(b)(1) requires that a movant demonstrate a material difference in law or fact and that in the exercise of reasonable diligence the movant did not know such fact or law at the time of the order. Assuming arguendo that any of the facts to which plaintiff directs the Court's attention are "new," plaintiff fails to demonstrate the requisite reasonable diligence. Accordingly, plaintiff's motion is hereby DENIED.

IT IS SO ORDERED.

Dated: JUN 22 1999

*Maxine M. Chesney*  
MAXINE M. CHESNEY  
United States District Judge